

**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE**

Guidance No. SPAR 2002 -1

January 11, 2003

**Off-Site Transport and Disposal of Soil Not Requiring DEC Approval
and/or Institutional Controls**

PURPOSE:

This guidance document describes the application of 18 AAC 75.325(i); 18 AAC 75.370(b) and 18 AAC 78.274(b) for the approval of the off-site transport and disposal of contaminated soil where institutional controls are not needed to ensure protection of human health safety and welfare and of the environment.

APPLICABILITY:

The guidance process is applicable to staff in the Division of Spill Prevention and Response (SPAR) overseeing the cleanup of contaminated soil in accordance with 18 AAC 75 and 18 AAC 78, where cleanup actions include plans for the off-site transport and disposal of soil. It could also serve as guidance for the general public; environmental consultants; governmental agencies and any other entity that may have the need to transport and dispose of soil from a contaminated site. This document outlines the conditions under which DEC approval and/or institutional controls (restrictions or notices on land use activities) associated with off site transport and disposal of soil from contaminated sites will be waived.

The guidance does **not** apply to sites located in the Arctic zone. Due to sensitive environmental conditions in the Arctic zone, off-site disposal of soil will be addressed on a site-specific basis.

The guidance does **not** apply to the disposal of contaminated soil at a landfill regulated under 18 AAC 60, Solid Waste. Disposal of soil in a landfill must meet the requirements for disposal of polluted soil in 18 AAC 60 and applicable landfill permit requirements.

The guidance does **not** exempt the responsible party from any federal, state or local laws governing the transport and disposal of soil.

BACKGROUND:

A responsible person shall obtain DEC approval under 18 AAC 75.325(i); 18 AAC 75.370(b) and 18 AAC 78.274(b), before transporting or disposing of soil from a site that is subject to 18 AAC 75 to 18 AAC 78. The approval for off-site disposal of soil shall be based on a determination by the department that its placement in an off-site location will not pose a threat to human health or the environment.

The requirement for institutional controls (IC's) will be based on the concentrations of hazardous substances in the soil and the location where it is ultimately disposed. The process for establishing IC's must be in accordance with 18 AAC 75.375.

This guidance establishes the specific criteria for approving off-site disposal of soil from a site where institutional controls are **not** needed to ensure protection of human health, safety and welfare and of the environment.

GUIDANCE CRITERIA:

This guidance document is applicable to soil regulated under 18 AAC 75 and 18 AAC 78 that is proposed for transport and disposal off site from where it was generated. If the following criteria are met, ADEC approval for off site transport of soil is not required and institutional control(s) will not be attached to the property:

1. the soil meets the most stringent 18 AAC 75.341 Method Two, Table B1 and B2 cleanup levels for the contaminant(s) of concern.

NOTE: this does not apply to the Arctic Zone and only applies to those chemicals that have established 18 AAC 75 cleanup levels.

2. the soil may only be disposed of in an upland (not wetland) non-environmentally sensitive location in the Under 40" or Over 40" annual precipitation climate zone; and
3. the soil is **not** placed within 100 feet of water wells, surface waters, and drainage ditches..

The off site transport or disposal of all other soil subject to the site cleanup rules that does not meet the criteria above shall be reviewed by the ADEC project manager in order to determine if the off-site disposal action poses a current or future risk to human health or the environment. The final approval for that action shall be made by the ADEC Section Manager.

Terms used in this document have the meaning given in 18 AAC 75.990 including:

“environmentally sensitive area” means a geographic area that, in the department's determination, is especially sensitive to change or alteration, including

- (A) an area of unique, scarce, fragile, or vulnerable natural habitat;
- (B) an area of high natural productivity or essential habitat for living organisms;
- (C) an area of unique geologic or topographic significance that is susceptible to a discharge;
- (D) an area needed to protect, maintain, or replenish land or resources, including floodplains, aquifer recharge areas, beaches, and offshore sand deposits;
- (E) a state or federal critical habitat, refuge, park, wilderness area, or other designated park, refuge, or preserve; and
- (F) an area that merits special attention as defined at 6 AAC 80.170;

APPROVAL:

Steve Bainbridge
Program Manager, Contaminated Sites Program

Date